REMARKS

A new, more descriptive title is submitted to replace the initial title.

The two amendments to pages 23 and 24 correct minor errors, one of which was noted by the Examiner.

It is noted that the claims of the Examiner's Group VI have been treated as an elected invention with traverse. This action is presumably pursuant to M.P.E.P. 808.01(a).

The restriction requirement is traversed and reconsideration thereof is requested to the extent discussed below.

It is respectfully submitted that the restriction requirement with respect to the Examiner's Groups VI, VII and VIII is unjustified and it is suggested that the claims of these three Groups should be examined together. The Examiner's attention in this respect is drawn to the last paragraph of M.P.E.P. 802.03 stating as follows:

> If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner is encouraged to examine all claims on the merits, even though they are directed to independent and distinct inventions. In such a case, the examiner will not follow the above procedure and will not require restriction.

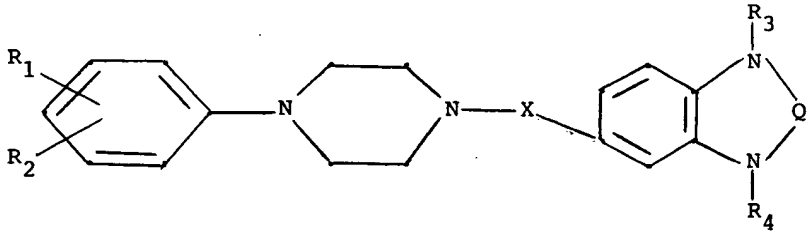
The above three groups of claims are all directed to benzoisothiazolyl derivatives and they are all classified in the same two classes: 544/368 and 514/254. Clearly, since identical searches are required, examination of all three groups of claims would not impose a serious burden on the Examiner and restriction on the basis of the three different groups should not be required.

The restriction requirement with respect to the remaining groups of claims is not traversed at this time and withdrawal of the claims in these groups from examination is noted.

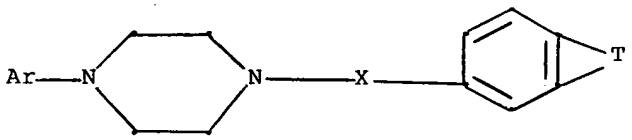
The claims stand rejected under 35 U.S.C. 112, first and second paragraphs, for being unclear and indefinite in not specifying the number of substituents. Presumably, the Examiner refers to claim 1 lines 5 and 9. The above amendments to lines 5 and 9 of claim 1 are submitted to render the objection moot. The amendments are based on the specification as filed since obviously in the absence of any specifically stated reason for having more than one substituent, the statement that a certain group may optionally be substituted by certain specified groups includes by necessity substitution by one such group. There is further specific basis for the amendment at page 2 line 17 of the present specification listing two mono-substituted naphthyl groups.

The claims stand rejected under 35 U.S.C. 103 over Ash et al '056 and '260. This rejection is respectfully traversed and withdrawal thereof is solicited.

Ash et al '056 refers to compounds of the general formula:



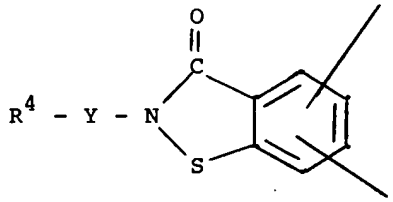
wherein Q is C_1-C_3 saturated or unsaturated hydrocarbyl and X is C_2-C_4 hydrocarbyl. The reference does not have any of the aryl groups Ar of the claimed compounds. This deficiency in the teaching of the '056 patent is not cured by combining Ash et al '056 with Ash et al '260. The latter reference refers to the following compounds:



wherein X is C_2-C_4 saturated or unsaturated hydrocarbyl and T is the residue of a triazole rihg. Ar in the '260 patent stands for a phenyl group optionally substituted by one or two substituents, and is thus unrelated to Ar as defined in present claim 1. It is therefore unclear how the two references can be combined to teach a piperazinyl-ethylene or butylene compound having the naphthyl or heterobicyclic group Ar of the claimed compounds.

The many references cited for the state of the art have been considered. Applicants agree that none of these references disclose or make obvious the invention as claimed. Since certain of these references are clearly so far removed from the claimed invention as to be irrelevant, it is respectfully requested that they be removed from the record and not be included in the list of references cited, as follows.

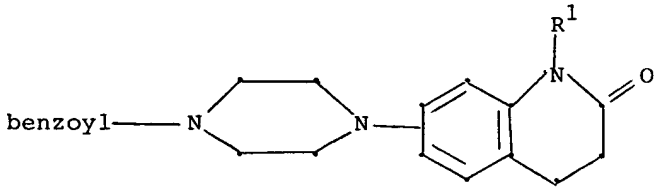
Baggaley U.S. Patent 4,113,728 refers to anti-thrombotic compounds of the formula:



wherein R^4 is a nitrogen-containing <u>aromatic</u> group and Y is C_1-C_{12} alkylene. These compounds do not contain a piperazinyl group, the alkylene bridge is attached to the heterocyclic isothiazolone part rather than the phenyl part of the phenylisothiazolone group, this latter group is not in any of the claimed compounds, and the utility is unrelated to the anti-

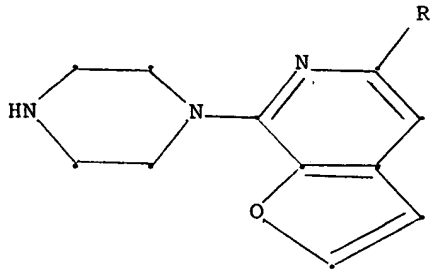
psychotic utility of the present compounds.

Tominaga European publication 187,322 discloses compounds having cardiotonic utility of the formula:



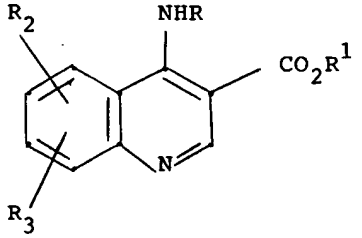
These compounds do not have an alkylene bridge between the piperazinyl and the heterobicyclic group, the latter group is not contained in any one of the claimed compounds, benzoyl is not present in any one of the claimed compounds, and the utility is unrelated to the anti-psychotic utility of the invention.

Busch et al WO 81/03493 refers to compounds of the formula:



These compounds have no alkylene bridge between the piperazinyl and the heterobicyclic group, the latter group is in none of the claimed compounds and the piperazinyl is not substituted at the 4-position.

Munson et al, C.A., Vol. 98, 143284e, U.S. Patent 4,343,804, disclosed compounds of the formula:



The compounds do not contain a piperazinyl group, an ethylene or butylene bridge, or a second bicyclic group. The utility is related to inhibition of gastric secretions and thus unrelated to antipsychotic utility.

In view of the above, withdrawal of the rejections is requested and favorable consideration of the amended claims is solicited.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D. C. 20231, on this 7th day of November 1988

By Gezina Holtrust